



# The Containment Laboratory Community Advisory Committee (CLCAC)

Third Annual Report: January 2013 - December 2013

**December 31, 2013** 

### **Containment Laboratory Community Advisory Committee:**

#### **Regular members**

Ms. Beth Willis, Chair (at-large representative)

Mr. David Kaye, Vice-Chair (private-sector life sciences industry representative)

Mr. Peter Herz, Secretary (at-large representative)

Dr. Dat Duthinh (at-large representative)

Mr. Ray Hunter (at-large representative)

Mr. Kim Loll (at-large representative)

Mr. Joseph Mangiafico, Sr., MPH, (private sector health field representative)

Ms. Cynthia Sigler, (at-large representative, term completed June 2013)

#### **Alternate Members:**

Ms. Roxanne Beal (alternate representative)

Dr. Bob Hawley (alternate member)

#### **Ex-Officio Members:**

The Honorable David Gray (County representative and non-voting member)
The Honorable Karen Young (City representative and non-voting member)

#### **Laboratory Liaisons to the Committee:**

Ms. Lanessa Hill, Public Affairs Specialist – Community Relations U.S. Army Garrison Ms. Caree Vander Linden, Public Affairs, USAMRIID

The Containment Laboratory Community Advisory Committee deeply appreciates the support of City, County, State and federal elected officials, without whom this work would not be possible. The City, in particular has provided the committee with extensive support by hosting the committee's website, as well as providing meeting space and audio/video services.

Beth Willis, Chair

Beth Willis

Containment Laboratory Community Advisory Committee

David P. Kaye, Vice-Chair

Mariel O Laye

### **Executive Summary**

This document provides a progress report of the Containment Laboratory Community Advisory Committee's (CLCAC) third year of work. It describes the committee's activities and accomplishments in working towards the year's goals and priorities.

The CLCAC used this year to build on its earlier work, focusing on providing information to the public and encouraging more transparency with the operating containment laboratories at the National Interagency Biodefense Campus (NIBC) located at Fort Detrick, as well as the private laboratories in Frederick County. Another major focus was the CLCAC's involvement in a State-level Containment Laboratory Oversight Working Group formed under the Maryland State Department of Health and Mental Hygiene.

The CLCAC continues to believe that transparency between containment laboratories and the citizens of Frederick County is essential to improving public understanding and trust. The committee understands that rigorous laboratory safety, and internal and independent oversight mechanisms are in place for each of the NIBC laboratories. However, the committee continues to seek a mechanism by which the laboratories can effectively share safety performance information with the public. Such a mechanism would provide confidence to the public that operations are being conducted in a safe and secure manner. This year, the CLCAC worked directly with laboratory leadership at the NIBC in an effort to foster frank discussion of mutual concerns and to find a way forward towards institutionalizing an ongoing communication process for the sharing of safety performance information with the public. While there have been productive discussions, the effort remains a work in progress.

The CLCAC also focused attention on the private Biosafety Level 3 (BSL-3) containment laboratories in Frederick County through its involvement in a State-level Containment Laboratory Oversight Working Group, which formed under the Maryland State Department of Health and Mental Hygiene. This Working Group issued its final report in November 2013. http://www.cityoffrederick.com/DocumentCenter/View/3639

The CLCAC provided specific recommendations to the State legislature regarding simple and first steps it should take to determine how many unregulated biosafety level 3 laboratories are operating within the State. http://www.cityoffrederick.com/DocumentCenter/View/3639

The CLCAC website (<a href="http://www.cityoffrederick.com/index.aspx?NID=127">http://www.cityoffrederick.com/index.aspx?NID=127</a>) contains a wide array of public information about all of the committee's activities, scope and by-laws, and includes Frequently Asked Questions, information about laboratories in Frederick County, definitions, presentations, and links to external regulating federal and State organizations and emergency response information. All of the committee's meetings and forums are recorded and can be viewed online.

The CLCAC remains committed to continuing its efforts to improve communication with the laboratories, Ft. Detrick and the citizens of Frederick City and County.

## 1. Committee Purpose, Scope and Organization

#### What is the Containment Laboratory Community Advisory Committee?

The CLCAC is a joint committee of the City of Frederick and Frederick County; members are appointed by the Mayor and Board of Aldermen as well as the Board of County Commissioners in November, 2010 and began meeting in late January 2011.

The committee is comprised of Frederick County residents; currently there are seven regular members, two alternates and two ex officio elected officials, one from Frederick City and one from the Frederick Board of County Commissioners.

The purpose of the committee is to 1) **foster and facilitate two-way communication** between the Frederick County community and the operators of the high containment laboratories operating at Fort Detrick and elsewhere in Frederick County 2) **seek information about issues of public concern** and ways to address those concerns, including the implications of laboratory operations on the safety and health of the community and 3) **advise and make recommendations on behalf of the public** to government, containment laboratory and Fort Detrick officials regarding opportunities to improve any laboratory-related matters that could impact public safety and health.

# 2. CLCAC Objectives and Accomplishments: January 2013- December 2013

#### The CLCAC's 2013 objectives, as defined in the 2012 annual report were to:

- Foster timely and accurate communication among the City, County, citizens and NIBC laboratories;
- Continue to champion transparency concerning safety and operations at all containment laboratories, private and federal, in Frederick County;
- Support ongoing efforts of the State-level Biocontainment Laboratories Oversight Working Group to make recommendations regarding regulation and oversight of private containment laboratories;
- Better understand the safety analysis processes and corresponding controls used to prevent or
  mitigate an accident or incident with potential consequences to the public. This includes the
  design, construction, commissioning, operations and maintenance, and the decommissioning and
  demolition of BSL-3 and BSL-4 laboratories, and to find ways for this information to be
  communicated to the public.

#### The CLCAC undertook the following actions in support of its objectives:

• Initiated quarterly meetings between the National Interagency Biodefense Campus Laboratory leadership and a delegation from the CLCAC.

The purpose of this workgroup is to determine how to improve information flow on matters of public health and safety. Meetings were held with the Commander for the Garrison at Fort Detrick, the Commander of the U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), and the Directors of Department of Homeland Security's National Biodefense Analysis and Countermeasures Center (NBACC), and the National Institute of Allergy and Infectious Diseases (NIAID)'s Integrated Research Facility (IRF).

Specific goals for this workgroup are:

- To establish a mutually agreed to, collaborative process for improving transparency about health and safety matters.
- o To reach agreement about what information will be shared, in specific time frames.

• To institutionalize a process and content for providing specific safety performance information.

**Outcomes:** Three meetings were held in 2013, a fourth is scheduled for January 2014. The meetings were marked by open communication about mutual concerns and challenges. The CLCAC made specific written recommendations about safety performance information it believes would be useful to promote public confidence in laboratory safety, such as executive summaries of regulatory and oversight reviews from the Centers for Disease Control and Prevention and others, posting lists of the entities that conduct external oversight, information about the criteria for reporting accidents and mishaps.

During the past year, each of the laboratories provided some additional information, which has been posted on the CLCAC website. This included data about accidents and incidents, and summary safety information (USAMRIID), external inspection entities (NBACC), and responses to a number of questions submitted from the community (USAMRIID, NBACC, IRF).

The NIBC partners and the CLCAC agreed to hold a Safety Expo for the public in late April 2014. This Expo will be sponsored by the CLCAC, which will take responsibility for logistics and promoting the event. The CLCAC provided the NIBC partners with detailed information about questions and issues received from the community. The NIBC partners will set up displays about various aspects of laboratory safety and provide staff to answer questions. The CLCAC will work with a variety of community groups and engage with elected officials to make this a successful event.

# • Worked on the State Department of Health and Mental Hygiene (DHMH) Containment Laboratory Workgroup on Private Containment Labs

The CLCAC has actively participated in the State-wide workgroup from September 2012 through its completion in August 2013. This workgroup was tasked by the State legislature to identify any regulatory gaps exist for unregulated private containment laboratories in the State and to make recommendations about how to address those gaps. The group's final report, Health and Safety Issues Associated with High Containment Laboratories was issued in October 2013: <a href="http://dhmh.maryland.gov/laboratories/containment/SitePages/Request%20for%20Comments.aspx">http://dhmh.maryland.gov/laboratories/containment/SitePages/Request%20for%20Comments.aspx</a> The DHMH in issuing the report made no specific recommendations.

The CLCAC believes that some basic and simple steps should be taken to address fundamental gaps in data about containment labs in the state, and submitted comments for the public record on November 18, 2013. Those data gaps are clearly defined in the report. In particular, the State has no means of determining how many containment laboratories operate in the State outside of the oversight of federal agencies such as the CDC. The CLCAC believes that the Maryland state legislature should take the following simple steps in order to address the data gap, and in order to determine if and what further action should be needed:

- Require registration of currently unregulated BSL-3 laboratories.
- Require reporting of laboratory-acquired infections.
- Require reporting if a laboratory relocates or closes, having worked with pathogens that require BSL-3 containment.
- Once the State has obtained basic registration data, it should then reconvene the Biocontainment Workgroup to examine that data, with the objective of determining if further action is needed.

The CLCAC forwarded its comments to Senator Ron Young, who sponsored the State Work Group. The full comments provided by the CLCAC are available at: <a href="http://www.cityoffrederick.com/DocumentCenter/View/3639">http://www.cityoffrederick.com/DocumentCenter/View/3639</a>

# • Worked closely with elected officials at City, County, State and federal level to address community concerns.

Over the course of the year, the CLCAC briefed staff and elected officials about its work and concerns, including formal briefings to the U.S. Congressman Chris Van Hollen and U.S. Congressman John Delaney. The CLCAC appreciates and needs the support of elected officials in its work. At the local level, the CLCAC advocated for a more formal agreement between the City and the laboratories regarding the terms of notification of elected officials in case of an accident or emergency. At the State level, the CLCAC made the recommendations above regarding currently unregulated containment laboratories. At the federal level the CLCAC has asked the Congressional Delegation to take up the question of the Freedom of Information Act Exemption for revealing health and safety information about laboratories working with Biological Select Agents and Toxins (BSAT).

#### • Logistics:

During this period Dr. Dat Duthinh and Dr. Bob Hawley were appointed to fill vacancies on the committee. City and County elected officials made these appointments based upon applications from members of the community.

The Committee voted to meet on a quarterly basis as had originally been intended, rather than monthly, as done in the first two years of the Committee's existence. Much of the Committee's work has been conducted between meetings and is reported at the quarterly public meetings.

### 3. Challenges

The work of the CLCAC is a long-term endeavor. While the challenges evolve, they remain persistent.

#### **Communication with Laboratories:**

The material posted on the committee's website attests to improved communication and transparency over the past three years. However, long term discussions about appropriate and useful safety performance information have not yet yielded an overall agreement about content or an ongoing process. The structure of biennial rotation of laboratory leadership at USAMRIID has not been conducive to continuity of progress.

#### **Resources:**

The committee has expanded its access to resources at local, State and federal levels in order to leverage its ability to address public concerns. Its own resources remain constrained, as a standing committee of volunteers with a large portfolio of goals. This requires setting clear priorities and engaging in projects at an appropriate pace.

#### **Communication with the Public:**

As reported last year, the process of finding the best, most effective way of communicating with the public is ongoing. While the CLCAC's communication mechanisms via the web, email, and with the press and in public meetings are diverse, they need to continue to expand and reach a broader cross-section of the

public. In like manner, the committee needs to continue to find ways to ensure that it is hearing public comments and seek new ways to address concerns brought to its attention.

#### 4. Goals for 2014

The CLCAC will continue to pursue the following goals for 2014:

- Foster timely and accurate communication among the City, County, citizens and NIBC laboratories;
- Continue to champion transparency concerning safety and operations at all containment labs, private and federal, in Frederick County;
- Advocate for the State to take preliminary action to close the information gap on unregulated containment laboratories operating in Maryland.
- Better understand the safety analysis processes and corresponding controls used to prevent or
  mitigate an accident or incident with potential consequences to the public. This includes the
  design, construction, commissioning, operations and maintenance, and the decommissioning and
  demolition of BSL-3 and BSL-4 laboratories, and to find more effective ways to communicate this
  information to the public.